

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JOSEPH L. MCCOY,

Petitioner,

vs.

STEPHEN UPTON, Warden,

Respondent.

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5:05CV88 (DF)

ORDER

This order hereby adopts and incorporates the Recommendation that United States Magistrate Judge Claude W. Hicks, Jr. entered in this case on October 5, 2005 (doc. 10). The Court has reviewed and carefully considered Petitioner McCoy's objections to the Magistrate Judge's Recommendation (doc. 11), but concludes that these objections do not warrant rejection or modification of the Magistrate Judge's findings.

Accordingly, Respondent's motion to dismiss (doc. 6) is granted, and Petitioner's application for habeas corpus under 28 U.S.C.A. § 2254 (doc. 1) is hereby dismissed.

SO ORDERED, this 14th day of February, 2006.

/s/ Duross Fitzpatrick
DUROSS FITZPATRICK, JUDGE
UNITED STATES DISTRICT COURT

DF/sew